

May 19, 2017

VIA ELECTRONIC-FILING

The Honorable Leonard P. Stark
U.S. District Court for the District of Delaware
J. Caleb Boggs Federal Building
844 N. King Street
Wilmington, DE 19801-3556

Re: *International Business Machines Corporation v. Groupon, Inc.*, C.A. No. 16-122-LPS-CJB

Dear Chief Judge Stark:

The parties in the above-referenced matter, Plaintiff International Business Machines Corporation (“IBM”) and Defendant Groupon, Inc. (“Groupon”), write to request the scheduling of a discovery teleconference, pursuant to paragraph 8g of the Court’s Scheduling Order. (D.I. 17). The following attorneys, including at least one Delaware Counsel and at least one Lead Counsel per party, participated in verbal meet-and-confer sessions by telephone, including on February 23, 2017, March 31, 2017, and May 15, 2017, and made efforts to further confer but are at an impasse.

Delaware Counsel:

Alan Silverstein for IBM
Bindu Palapura for IBM
John Day for Groupon

Lead Counsel:

Karim Z. Oussayef for IBM
Elizabeth Kimmel for IBM
Robert Harrits for IBM
Jessica Benzler for Groupon
Phillip Haack for Groupon
Sapna Mehta for Groupon

The disputes requiring judicial attention are listed below:

- IBM seeks to compel Groupon to produce internal financial and sales documents including those sufficient to identify Groupon’s revenue, costs, and profit associated with any categories or channels of each of the accused instrumentalities that Groupon uses to track sales or transactions (such as Local, Travel, and Goods) and, within those categories

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or channels, sufficient to distinguish U.S. revenue, costs, and profit from other non-U.S. revenue, costs and profit, on a monthly basis from 2010 to the present.

Respectfully yours,

/s/ Bindu A. Palapura

Bindu Palapura

BAP/msb/5197075/43155

cc: Clerk of the Court (via hand delivery)
Counsel of Record (via electronic mail)